

REMARKS

By the present amendment, Applicant has amended Claims 1, 3, 5, 7-10, and 12. Claims 1-14 remain pending in the present application. Claims 1, 5, 10 are independent claims.

The Examiner objected to the disclosure because of minor informalities at page 6, and in Claim 10. Applicant has corrected the informalities and submits that these objections are not moot. In addition, the Examiner objected to the drawings because reference element 22 was not mentioned in the specification. Accordingly, Applicant has amended page 6 to refer to recessed seat **22**. Applicant submits that this amendment renders this objection moot. No new matter has been entered.

In the recent Office Action the Examiner rejected Claims 6, 9, and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended these claims in light of the Examiner's observations. Applicant respectfully submits that Claims 6, 9, and 12, as amended, meet the specific requirements of 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 1-9 under 35 U.S.C. 102(a), as being anticipated by Wind Accents...Garden Sculptures. This rejection is respectfully traversed.

The Examiner rejected Claim 10 under 35 U.S.C. 103(a) as being unpatentable over Sadler in view of Fielder et al. This rejection is respectfully traversed. .

The Examiner rejected Claims 11-14 under 35 U.S.C. 103(a) as being unpatentable over Sadler in view of Fielder et al., and further in view of Miller. This rejection is respectfully traversed. .

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

With respect to the rejection of Claims 1-9 as being anticipated by the Wind Accents...Garden Sculpture, this rejection is without merit. The figures of Wind Accents clearly depict a lower baffle having a first diameter and depth, a middle baffle having a second diameter and depth, and a top baffle having a third diameter and depth. It is clear that each diameter and depth is distinctly different from the other diameters and depths. Also, there is a substantial gap between the lower and middle baffles. Finally the support structure requires a plurality of pole, that are supported by a footing structure.

Applicant's claimed embodiment, as amended, recites that there is one vertical pole, having a bottom end embedded in a supporting ground surface. Further, Applicant's middle and lower baffles are disposed so as to be adjacent, without a gap therebetween.

With respect to the rejections of Claims 10-14 as being unpatentable over Sadler in view of Fielder et al., Miller, Applicant respectfully submits that these rejections are also without merit. Sadler is a design patent, therefore there is no definitive structure from which to determine what the components of the illustrated device is. Specifically, Sadler shows a lower baffle having a first diameter and depth, a middle baffle having a second diameter and depth, and a top baffle having a third diameter and depth. It is clear that each diameter and depth is distinctly different from the other diameters and depths. Also, there is a substantial gap between the lower and middle baffles. In addition, the middle baffle is an enclosed compartment, not a bowl as set forth in the present

application. Finally, the top of the feeding station as shown in Sadler does not provide a flush surface, thereby allowing a rodent animal to hang therefrom and reach the foodstuffs below. Albeit, Fielder et al. discloses a multi-segmented pole, there is no guidance or motivation found in either of the applied prior art references that would have led one having ordinary skill in the art to arrive at the invention as alleged by the Examiner. Applicant respectfully submits that without any of positive teaching of the claimed limitations, aside from Applicant's own disclosure, this particular ground of rejection should be withdrawn.

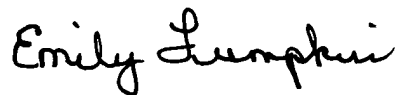
Further, the applied prior art reference Miller is relied upon to show the coupling assembly, having the T-shaped collar, and threaded couplings. It is clear that the coupling assembly as disclosed in Miller provides a hook element 46 at the top of the feeder. This element would allow a rodent animal to hang therefrom and reach the foodstuffs below. Applicant submits that this alone teaches away from the claimed embodiment. Applicant respectfully submits that the alleged combination of applied prior art references would not have been obvious to one skilled in the art. Applicant respectfully requests the withdrawal of this particular ground of rejection.

Applicant has amended the claims of the instant application to more particularly define applicants' unique construction in view of the prior art of record, and has provided arguments that clearly distinguish the claimed embodiment over the applied prior art references. Applicant respectfully submits that for at least these reasons, Claims 1-14 are allowable over the prior art applied of record.

Charles F. Lumpkin, Deceased
Pro Se

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted on behalf of
the inventor:
CHARLES F. LUMPKIN, Deceased

A handwritten signature in cursive script that reads "Emily Lumpkin". The signature is written in black ink and is positioned above the printed name and title.

Emily Lumpkin
Widow, Heir, and Applicant